

# HOUSE BILL 1157

A2

9lr0638

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By: **Prince George's County Delegation**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – ~~Transfer of Class A~~ Off-Sale**  
3 **Licenses and Permits**

4 **PG 303-19**

5 FOR the purpose of repealing a limitation on the number of Sunday off-sale permits that  
6 the Board of License Commissioners for Prince George's County may issue;  
7 authorizing the Board of License Commissioners ~~for Prince George's County~~ to  
8 approve the transfer of ~~a Class A beer, wine, and liquor license from a certain~~  
9 ~~alcoholic beverages district~~ any off-sale retail license from an alcohol outlet density  
10 zone in the county to another location in the county under certain circumstances;  
11 establishing a Workgroup on Alcohol Outlet Density Zones in Prince George's  
12 County; providing for the membership, chair, and staffing of the Workgroup;  
13 prohibiting a member of the Workgroup from receiving certain compensation, but  
14 authorizing the reimbursement of certain expenses; requiring the Workgroup to  
15 designate certain areas as alcohol outlet density zones; requiring the Workgroup to  
16 report its recommendations to the House and Senate delegations for Prince George's  
17 County and the Board of License Commissioners on or before a certain date;  
18 requiring the Board of License Commissioners to adopt rules designating the alcohol  
19 outlet density zones on or before a certain date; providing for the effective date of  
20 certain provisions of this Act; making certain provisions of this Act subject to a  
21 certain contingency; providing for the termination of certain provisions of this Act;  
22 and generally relating to alcoholic beverages licenses and permits in Prince George's  
23 County.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,  
 2 Article – Alcoholic Beverages  
 3 Section 26–102  
 4 Annotated Code of Maryland  
 5 (2016 Volume and 2018 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article – Alcoholic Beverages  
 8 Section 26–1104 and 26–1603(a)  
 9 Annotated Code of Maryland  
 10 (2016 Volume and 2018 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 12 That the Laws of Maryland read as follows:

13 **Article – Alcoholic Beverages**

14 26–102.

15 This title applies only in Prince George’s County.

16 26–1104.

17 (a) There is a Sunday off–sale permit.

18 (b) (1) (i) Subject to [subsection (f) of this section and] subparagraphs (ii)  
 19 and (iii) of this paragraph, and except as provided in paragraph (2) of this subsection, the  
 20 Board may issue the permit to the holder of:

21 1. a Class A beer, wine, and liquor license; or

22 2. a Class B beer, wine, and liquor license with an off–sale  
 23 privilege.

24 (ii) Five Sunday off–sale permits may be issued only to holders of a  
 25 Class B beer, wine, and liquor license with an off–sale privilege that acquired the license  
 26 on or after January 1, 2016.

27 (iii) Sunday off–sale permits may be issued to holders of a Class A  
 28 beer, wine, and liquor license that acquired the license on or after January 1, 2016.

29 (2) The Board may not issue a Sunday off–sale permit to a license holder  
 30 that the Board finds to have sold liquor on Sunday without a Sunday off–sale permit.

31 (c) The permit authorizes the holder to sell alcoholic beverages for off–premises  
 32 consumption on Sunday from 8 a.m. to midnight.

1           (d)   (1)   Except as provided in paragraph (2) of this subsection, an applicant for  
2 the permit shall commit in the application to reinvesting a minimum of \$50,000 in the  
3 business within 1 year after the permit is issued.

4                   (2)   (i)   The Board may waive the reinvestment requirement.

5                               (ii)   The Board shall waive the reinvestment requirement for a holder  
6 of a Class B beer, wine, and liquor license with an off-sale privilege that acquired the  
7 license on or after January 1, 2016, if the holder can show that a minimum of \$50,000 was  
8 reinvested in the business within the 3-year period immediately preceding the submission  
9 of the application.

10                   (3)   The Board shall revoke the permit if:

11                               (i)   the Board did not waive the reinvestment requirement under  
12 paragraph (2) of this subsection; and

13                               (ii)   the permit holder fails to make the required reinvestment.

14           (e)   If the permit is issued to the holder of a Class B beer, wine, and liquor license  
15 with an off-sale privilege, the holder need not comply with any restaurant or food  
16 requirement.

17           (f)   [Not more than 105 Sunday off-sale permits may be in effect at any one time.

18           (g)  (1)   The application fee for the permit is \$750.

19                   (2)   The annual fees for the permit are:

20                               (i)   \$2,590 for the holder of a Class A beer, wine, and liquor license;  
21 and

22                               (ii)   \$1,080 for the holder of a Class B beer, wine, and liquor license  
23 with an off-sale privilege.

24                   (3)   The fees listed in paragraphs (1) and (2) of this subsection are in  
25 addition to the annual fee for the Class A beer, wine, and liquor license or Class B beer,  
26 wine, and liquor license to which it is attached.

27           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
28 as follows:

29   Article – Alcoholic Beverages

30   26–1603.

(a) (1) Except as provided in paragraphs (2) [and (3)] **THROUGH (4)** of this subsection, the Board may not issue a new license with an off-sale privilege in, or approve the transfer of a license with an off-sale privilege into, a part of the 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, or 47th alcoholic beverages district in the county.

(2) The Board may issue a license in or approve the transfer of a license into an area specified in paragraph (1) of this subsection if the off-sale privilege of the license is waived.

(3) The Board may convert one Class D (on-sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in College Park to a Class D (on- and off-sale) beer and wine license for premises in the 7100 to 7200 block of Baltimore Avenue in College Park.

**(4) THE BOARD MAY APPROVE THE TRANSFER OF ~~A CLASS A BEER, WINE, AND LIQUOR~~ ANY RETAIL LICENSE WITH OFF-SALE PRIVILEGES FROM ~~THE 24TH ALCOHOLIC BEVERAGES DISTRICT~~ AN ALCOHOL OUTLET DENSITY ZONE IN THE COUNTY TO ANOTHER LOCATION IN THE COUNTY IF:**

**(I) THE APPLICANT HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000 IN INTERIOR IMPROVEMENTS IN THE ESTABLISHMENT AT THE NEW LOCATION; AND**

**(II) ~~THE TRANSFER IS APPROVED BY THE COUNTY EXECUTIVE~~ THE LICENSE IS NOT TRANSFERRED INTO ANOTHER ALCOHOL OUTLET DENSITY ZONE.**

**SECTION 3. AND BE IT FURTHER ENACTED, That:**

(a) There is a Workgroup on Alcohol Outlet Density Zones in Prince George's County.

(b) The Workgroup consists of the following members:

(1) the County Executive for Prince George's County, or the County Executive's designee;

(2) the Director of the Prince George's County Department of Health, or the Director's designee;

(3) the Chair of the Board of License Commissioners, or the Chair's designee;

(4) two community members, one each appointed by the House and Senate delegations for Prince George's County;

1           (5) one member of the House of Delegates, appointed by the Speaker of the  
2 House;

3           (6) one member of the Senate of Maryland, appointed by the President of  
4 the Senate;

5           (7) the Prince George's County Police Chief, or the Chief's designee; and

6           (8) the Director of the Department of Permitting, Inspections, and  
7 Enforcement, or the Director's designee.

8           (c) The Chair of the Prince George's County House Delegation shall designate the  
9 chair of the Workgroup.

10          (d) The Maryland National Capital Park and Planning Commission shall provide  
11 staff for the Workgroup.

12          (e) A member of the Workgroup:

13           (1) may not receive compensation as a member of the Workgroup; but

14           (2) is entitled to reimbursement for expenses under the Standard State  
15 Travel Regulations, as provided in the State budget.

16          (f) (1) In accordance with the Centers for Disease Control and Prevention's  
17 Guide for Measuring Alcohol Outlet Density, the Workgroup shall designate areas with a  
18 high concentration of off-sale retail licenses as alcohol outlet density zones.

19           (2) In making the designation under paragraph (1) of this subsection, the  
20 Workgroup shall:

21           (i) designate as an alcohol outlet density zone each area that has  
22 1.15 off-sale retail license holders or more per square mile; and

23           (ii) consider any other relevant factors determined by the  
24 Workgroup.

25          (g) On or before December 1, 2019, the Workgroup shall submit its  
26 recommendations, in accordance with § 2-1246 of the State Government Article, to the  
27 House and Senate delegations for Prince George's County and the Board of License  
28 Commissioners for Prince George's County.

29          (h) On or before June 1, 2020, the Board of License Commissioners shall adopt  
30 rules designating the alcohol outlet density zones in accordance with the recommendations  
31 of the Workgroup.

1        SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is  
 2 contingent on the adoption of rules by the Board of License Commissioners for Prince  
 3 George’s County designating the alcohol outlet density zones. The Board of License  
 4 Commissioners shall notify the Department of Legislative Services within 5 days after the  
 5 rules are adopted. If the Department of Legislative Services does not receive notice of the  
 6 adoption of the rules on or before December 31, 2020, Section 2 of this Act, with no further  
 7 action required by the General Assembly, shall be null and void.

8        SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in  
 9 Section 4 of this Act, this Act shall take effect July 1, 2019. Section 3 of this Act shall remain  
 10 effective for a period of 1 year and 6 months and, at the end of December 31, 2020, Section  
 11 3 of this Act, with no further action required by the General Assembly, shall be abrogated  
 12 and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.